

REMARKS

This Amendment cancels claims 10-15, amends claim 1 and adds new claims 16-19. Page 2, lines 22-24 of the specification as originally filed support the open transitional phrase of claim 1. The 0.05 to 1.5 mm thickness range of claim 1 is supported at page 9, lines 9-18 of the specification. New claims 16-19 are disclosed at page 11, lines 10-19 and Fig. 1. Claims 1-9 and 16-19 are pending.

The cancellation of claim 11 moots the 35 U.S.C. § 102(b) rejection of that claim over U.S. Patent No. 6,197,410 to Vallittu et al.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claim 6. More particularly, claim 1 has been amended by replacing the partially closed transition phrase "consisting essentially of" with the open transitional phrase -- comprising--, thereby overcoming the sole ground for rejection. Reconsideration and withdrawal of the indefiniteness rejection of claim 6 are earnestly requested.

The 35 U.S.C. § 102(b) rejection of claims 1-7 and 12-15 over U.S. Patent No. 6,186,790 to Karmaker et al. is respectfully traversed. The claimed matrix band has a thickness of 0.05 to 1.5

mm. Karmaker et al. fails to disclose this feature of the claimed band.

Claims 12-15 have been canceled in favor new method claims 16-19, which recite applying a matrix band of claim 1 around a tooth to be repaired. Karmaker et al. fails to disclose this feature of the claimed method.

Reconsideration and withdrawal of the anticipation rejection of claims 1-7 and 12-15 are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 8-10 over Karmaker et al. in view of U.S. Patent No. 4,433,960 to Garito et al. is traversed. A feature of the claimed kit is a dental band or matrix having a thickness of from 0.05 to 1.5 mm. The inventors have unexpectedly discovered that a fibre-reinforced prepreg has utility as a dental band or matrix which is not removed from the patient's mouth once the dental restorative has been polymerized. The claimed kit minimizes or eliminates formation of a gap between the filling formed and the adjacent tooth (Specification, page 2, lines 1-5).

The cited combination of references fails to raise a prima facie case of obviousness against the claimed method. Karmaker et al. discloses prefabricated structural components made from a

fibre-reinforced composite material comprising fibers impregnated with a polymeric matrix. These structural components are intended to remain in a patient's mouth.

There is no apparent reason why one of ordinary skill in the art would form Karmaker et al.'s composition into a dental band, which is typically removed from the patient's mouth after fabrication of a dental appliance is complete.

Garito et al. discloses a dental splinting device, which is intended to remain in the patient's mouth. One of ordinary skill in the art would not have any apparent reason to modify Garito et al. by changing its dental splinting device to a dental band, which is conventionally removed from the patient's mouth after fabrication of a dental appliance is complete.

Reconsideration and withdrawal of the obviousness rejection of claims 8-10 are earnestly requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 1-15, and issuance of a Notice of Allowance directed to claims 1-9 and 16-19, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

U.S. Patent Appln. S.N. 10/557,822
AMENDMENT

PATENT

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

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